

LATHAM & WATKINS LLP
Melanie M. Blunschi (Bar No. 234264)
melanie.blunschi@lw.com
Nicole C. Valco (Bar No. 258506)
nicole.valco@lw.com
Francis J. Acott (Bar No. 331813)
francis.acott@lw.com
505 Montgomery Street, Suite 2000
San Francisco, CA 94111-6548
Telephone: +1.415.391.0600

Andrew B. Clubok (pro hac vice)
andrew.clubok@lw.com
Susan E. Engel (pro hac vice)
susan.engel@lw.com
555 Eleventh Street, N.W., Suite 1000
Washington, D.C. 20004
Telephone: +1.202.637.2200

Counsel for Defendant Meta Platforms, Inc.
(formerly known as Facebook, Inc.)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DZ Reserve and Cain Maxwell (d/b/a Max
Martialis), individually and on behalf of
others similarly situated,

Plaintiffs,

vs.

META PLATFORMS, INC.,

Defendant.

Case No.: 3:18-cv-04978-JD

NOTICE OF APPEAL

Hon. James Donato

NOTICE IS HEREBY GIVEN THAT, Defendant Meta Platforms, Inc. (“Meta”), appeals to the United States Court of Appeals for the Ninth Circuit from this Court’s orders dated September 18, 2025, effectively denying Meta’s motion to compel arbitration and stay proceedings under Section 3 of the Federal Arbitration Act (“FAA”) (the “Motion,” Dkt. 472). *See* Dkts. 515, 516. On September 18, 2025, the Court held a pre-trial conference, setting the case for trial on or around October 14, 2025, Dkt. 516 at 4, and informing the parties there would be no hearing on Meta’s Motion and to “[f]ocus on trial prep,” Dkt. 516 at 41-42; the Court then issued an order vacating the scheduled hearing on Meta’s Motion. Dkt. 515. The Court’s calendar, which is updated daily, confirms that trial in this case is set for October 14, 2025. Read in this context, and given the imminent trial date, the Court’s oral order at the pre-trial conference and its written order vacating the hearing date together effectively denied Meta’s Motion and declined to “stay the trial” of an “action” “referrable to arbitration.” FAA, 9 U.S.C. § 3. This appeal is being taken pursuant to 28 U.S.C. § 1291 and the FAA, 9 U.S.C. § 16(a)(1)(A), (B); alternatively, in the event the Court of Appeals determines that it lacks jurisdiction over this appeal, Defendant respectfully requests that this appeal be treated as a petition for a writ of mandamus pursuant to 28 U.S.C. § 1651(a). True and correct copies of the Court’s orders are attached as Exhibits A and B. A true and correct copy of the Circuit Rule 3-2 Representation Statement is also attached.

DATED: October 3, 2025

LATHAM & WATKINS LLP

/s/ Andrew B. Clubok
 Andrew B. Clubok (pro hac vice)
andrew.clubok@lw.com
 Susan E. Engel (pro hac vice)
susan.engel@lw.com
 555 Eleventh Street, N.W., Suite 1000
 Washington, D.C. 20004
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